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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,764	11/21/2003	Kenneth B. Wagener	5853-340	1454
30448	7590	02/07/2006	EXAMINER	
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			PENG, KUO LIANG	
			ART UNIT	PAPER NUMBER
			1712	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/718,764	<b>Applicant(s)</b> WAGENER ET AL.	
	<b>Examiner</b> Kuo-Liang Peng	<b>Art Unit</b> 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12/1/05 Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 32-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-36 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Applicants' amendment filed on December 1, 2005 was received. Claims 1-31 are withdrawn. Claims 32-36 are added. Now, Claims 32-36 are pending for consideration.
2. Claim objection(s) in the previous Office Action (Paper No. 052805) is/are moot because the claims involved have been withdrawn.
3. Claim rejection(s) under 35 USC 112 in the previous Office Action (Paper No. 052805) is/are moot because the claims involved have been withdrawn.
4. Claim rejection(s) under 35 USC 103 in the previous Office Action (Paper No. 052805) is/are moot because the claims involved have been withdrawn.
5. Applicants are advised to **delete** Claims 1-6 and 9-12.
6. The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office Action (Paper No. 052805).

***Claim Objections***

7. Claim 32 is objected to because of the following informalities:

In Claim 32 (line 2-3), some of the subscripts are not legible.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. Claims 33-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 33 recites the limitations " R " , " R'"', "r" and "s" in lines 1 and 3.

There is insufficient antecedent basis for these limitations in the claim.

In Claim 33 (line 2), it is not clear as to what "x" refers to.

In Claim 34 (line 1), "claim 10" causes confusion because Claim 10 has been withdrawn.

Claim 34 recites the limitation "R" in line 1. There is insufficient antecedent basis for the limitation in the claim.

In Claim 35 (line 1), "claim 9" causes confusion because Claim 9 has been withdrawn.

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Claim 35 recites the limitations "R'", "o" and "s" in line 1. There is insufficient antecedent basis for these limitations in the claim.

In Claim 36 (lines 2-3), it is not clear as to what "n", "m", "o" and "p" refer to.

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 32-36 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Examiner is not able to find the basis for the instant claims.

***Claim Rejections - 35 USC § 102***

11. Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Yajima600 (US 4 220 600).

Yajima600 discloses a poly(carbosilane-co-carbosiloxane) having a latent hydrogen group. Note that the Si-H and/or Si(H)<sub>2</sub> groups at the chain ends are crosslinkable groups. (col. 10, line 52 to col. 11, line 16)

12. Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshitake (US 6 184 407).

Yoshitake discloses a poly(carbosilane-co-carbosiloxane) having a latent methoxy group. Note that the Si-H, Si-OC<sub>2</sub>H<sub>5</sub> or Si-glycidoxypyrpyl groups at chain ends are crosslinkable groups. (col. 5-col. 6 and col. 12, lines 35-40)

13. Claims 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Brezezinska (Journal of Polymer Science, Part A: Polymer Chemistry, vol. 38 (2000), 1544-1550).

Brezezinska discloses a poly(carbosilane-co-carbosiloxane) by copolymerizing the corresponding carbosilane and carbosiloxane precursors, which has a latent methoxy group. Note that compound 5 should possess alkenyl groups at the chain ends because of the acyclic diene metathesis method used for preparing the copolymer, which are crosslinkable groups. Furthermore, the methoxy groups can be at the chain ends, which can be considered as crosslinkable

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groups too. (Figure 2) Furthermore, a copolymer having chlorine latent reactive group can also be prepared by using similar technique. (page 1549, right column, last paragraph)


14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp  
February 3, 2006

  
Kuo-Liang Peng  
Primary Examiner  
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